

1                                   BEFORE THE  
2                                   ILLINOIS COMMERCE COMMISSION  
3                   IN THE MATTER OF:                   )  
4                   XO Illinois,                                   )  
5                                   ) No. 01 -0466  
6                   Petition for Arbitration                   )  
7                   pursuant to Section 252(b) of                   )  
8                   the Telecommunications Act of                   )  
9                   1996 to establish an                                   )  
10                   interconnection agreement with                   )  
11                   Illinois Bell Telephone company)                   )  
12                                   )  
13                                   Chicago, Illinois  
14                                   July 24, 2001  
15                                   Met, pursuant to notice, at 11:00 a.m.  
16                   BEFORE:  
17                                   DAVID GILBERT, Administrative Law Judge  
18                                     
19                                     
20                                     
21                                     
22                   APPEARANCES:

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3 ROWLAND & MOORE, by  
4 MR. STEPHEN J. MOORE  
5 77 West Wacker Drive  
6 Suite 4600  
7 Chicago, Illinois 60601  
8 appearing for XO Illinois, Inc.;

9 MS. CAROL POMPONIO  
10 303 East Wacker  
11 Chicago, Illinois 60601  
12 appearing for XO Illinois, Inc.;

13 MAYER BROWN & PLATT, by  
14 MR. DENIS FRIEDMAN  
15 180 South LaSalle  
16 Chicago, Illinois, 60603  
17 appearing for Ameritech;

18 MS. MARGARET KELLY and  
19 MR. DAVID NIXON  
20 160 North LaSalle Street  
21 Suite C-800  
22 Chicago, Illinois, 60601  
appearing for Staff.

SULLIVAN REPORTING COMPANY, by  
Ann Rogers, CSR

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I N D E X

Witnesses:	Direct	Cross	Re- direct	Re- cross	By Judge
	None				

E X H I B I T S

For Identification	In Evidence
None	

1 JUDGE GILBERT: Pursuant to the authority of  
2 the Illinois Commerce Commission I now call  
3 Docket No. 01-0466.

4 If I could have the appearances for the  
5 record, please, beginning with the complainant.

6 MR. MOORE: On behalf of XO Illinois, Inc.  
7 Stephen Moore, Rowland & Moore 77 West Wacker  
8 Drive, Suite 4600, Chicago, Illinois 60601.

9 MS. POMPONIO: Carol Pomponio with  
10 XO Illinois, Inc. 303 East Wacker, Chicago, 60601.

11 MR. FRIEDMAN: On behalf of Ameritech Illinois  
12 Dennis Friedman, Mayer, Brown & Platt  
13 190 South LaSalle Street, Chicago 60063.

14 MS. KELLY: On behalf of the staff of the  
15 Illinois Commerce Commission Margaret Kelly and  
16 David Nixon, 160 North LaSalle, Suite C-800,  
17 Chicago, Illinois 60061.

18 JUDGE GILBERT: Okay. Just a couple things I  
19 wanted to take care of and I know Mr. Friedman has  
20 a scheduling issue.

21 First Mr. Friedman you were kind enough  
22 to send me a courtesy copy of your data responses

1 to, I think, XO's data request -- I'm sorry,  
2 staff's data request. I would rather that nobody  
3 send me their data responses. I regard that  
4 information as none of my business until and unless  
5 there is a discovery dispute for me to resolve.

6           As the record grows, it can get harder  
7 and harder for me to remember where I read  
8 something and there is always the potential of  
9 something I saw in a data request which was never  
10 put in the record influencing what I do and I don't  
11 want that to happen. So please don't send me data  
12 responses which means you might as well not send me  
13 data requests either because I won't know the  
14 answers.

15           There's an FCC order that is obvious ly  
16 crucial to the case. I read a summary of it on the  
17 FCC website, but I don't have the order itself.  
18 Would anyone like to volunteer to get me a copy of  
19 the order?

20       MR. FRIEDMAN: Sure. We all have it, I'd be  
21 glad to do it. I don't know if staff happens to  
22 have a copy in this building at this moment.

1       MR. NIXON: I do and I'm trying to remember  
2 whether it's still a clean copy or not. I'll  
3 endeavor to get you a copy.

4       JUDGE GILBERT: Okay. If yours is not clean if  
5 you have a source, that's great. If not, it sounds  
6 like you can contact Mr. Friedman.

7       MR. MOORE: Do you want an electronic version or  
8 both.

9       JUDGE GILBERT: Actually both would be great  
10 because with paper I can walk around and read,  
11 electronic I can use if I need to put it into the  
12 order.

13               Okay. Mr. Friedman, your scheduling  
14 concern.

15       MR. FRIEDMAN: As the schedule stands now, the  
16 next three steps in the proceeding are as follows:  
17 Ameritech Illinois has testimony due tomorrow and  
18 then XO has responsive testimony due about six days  
19 after that and then Ameritech Illinois has rebuttal  
20 due about six days after that.

21               We may need an additional day for our  
22 testimony which is now due tomorrow. So the

1 proposal is as follows: That if we take that day  
2 and, if possible, I'd just assume leave that open  
3 for now, that XO would then get that additional day  
4 to respond to our testimony so that its response  
5 time would be unaffected. We would file our  
6 rebuttal testimony on the date that it is presently  
7 scheduled for. So we would be buying a day up  
8 front and losing it at the end, the though is it  
9 doesn't effect Staff, it doesn't effect the overall  
10 schedule and Steve Moore tells me that the proposal  
11 is okay with XO.

12 MR. MOORE: We have no problem with that.

13 JUDGE GILBERT: Okay. Then you're suggesting  
14 then that we'll make the decision now or were you  
15 indicating we should wait.

16 MR. FRIEDMAN: If it is acceptable I'd like to  
17 try to get it done tomorrow, there is a little  
18 number crunching that has to be finished up and I'm  
19 just not sure if we are going to make it.

20 If we may, I'd like to leave it open  
21 with the understanding that if we make it tomorrow  
22 then the schedule stays as is. If we don't file

1 until the following day, then XO gets that  
2 additional day for its response testimony.

3 JUDGE GILBERT: Okay. Will there be a way of  
4 your knowing when it's been filed in order to know  
5 how much time you have?

6 MR. FRIEDMAN: I think the understood routine  
7 actually is that we're all e-mailing everything to  
8 each other, everything that gets filed or served,  
9 sometimes even before it is actually e-docketed.  
10 So Steve will have it as soon as everyone else  
11 does.

12 MR. MOORE: I have no objection to leaving it  
13 open.

14 JUDGE GILBERT: Okay. So your materials will  
15 either be due tomorrow or the next day and you will  
16 adjust by one day accordingly and everything else  
17 remains the same, okay.

18 Anything else? Okay. Well, that will  
19 conclude for the day and whenever somebody can get  
20 me those copies of the order I'd appreciate that.

21 Thanks very much.

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1 (Whereupon the above -entitled  
2 matter was continued to August  
3 17th.)  
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